

WILLMAR CITY COUNCIL PROCEEDINGS
BOARD ROOM
HEALTH AND HUMAN SERVICES BUILDING
WILLMAR, MINNESOTA

November 18, 2019
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Rick Fagerlie, Shawn Mueske, Kathy Schwantes, Vicki Davis, Fernando Alvarado, Julie Asmus, Andrew Plowman, and Audrey Nelsen. Present 9, Absent 0.

Also present were Interim City Administrator Brian Gramentz, Police Chief Jim Felt, Finance Director Steve Okins, Park and Recreation Director Rob Baumgarn, Planning and Development Services Director David Ramstad, Human Resources Director Samantha Beckman, Fire Chief Frank Hanson, City Clerk Judy Thompson, City Planner Sarah Swedburg, and City Attorney Robert Scott.

There were no additions or deletions to the agenda.

Council Member Fagerlie moved to approve the agenda as presented. Council Member Mueske seconded the motion which carried.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of November 4, 2019
- ~~B. Willmar Municipal Utilities Board Minutes of November 12, 2019~~
- C. Planning Commission Minutes of November 6, 2019
- D. Approve Project Turnabout Addition Minor Subdivision
- E. Accounts Payable Report October 31 – November 13, 2019
- F. Building Report for the Month of October, 2019
- G. Invest in Willmar Board Minutes of October 9, 2019

Council Member Fagerlie offered a motion to approve the Consent Agenda. Council Member Mueske asked that Item B. be removed for discussion. Council Member Nelsen seconded the motion to approve the consent agenda, with the removal of Item B., which carried.

Council Member Mueske emphasized the importance of approving the Willmar Municipal Utilities Board Minutes of November 12, 2019 as they relate to the approval of decommissioning the power plant.

Council Member Mueske then offered a motion to approve Item B. Council Member Nelsen seconded the motion which carried.

Carol Laumer, Willmar, addressed the Mayor and Council during the Open Forum. Ms. Laumer, on behalf of the Municipal Utilities Commission, thanked the Mayor and Council for their support of the decommissioning of the power plant. Ms. Laumer offered a challenge to find a developer to help restore and save the historic building for an alternative use.

At 7:10 p.m. Mayor Calvin opened the public hearing for an Ordinance Amending Chapter 3, Alcoholic Beverages, Article III, Sale of Intoxicating Liquor for On-Premises Consumption, Division 2, License, Section 3-137, Brewer Taproom Licenses, and Adopting a New Section 3-138, Brew Pub Licenses. City Clerk Judy Thompson stated the City has received a request to create a new category of liquor licenses to accommodate the unique retailing venue of brew pubs in the City under authority recently granted by a new state statute. Also, due to amendments to the state statute authorizing taproom licenses we are asking for our ordinance to be updated and amended accordingly, and it is more efficient to incorporate these changes into one new ordinance.

There being no one to speak for or against said ordinance, Mayor Calvin closed the public hearing at 7:11 p.m. and opened it up for discussion by the Council. Council Member Fagerlie offered a motion to adopt, assign a number and order final publication of **Ordinance No. 1443 An Ordinance Amending Chapter 3, Alcoholic Beverages, Article III, Sale of Intoxicating Liquor for On-Premises Consumption, Division 2, License, Section 3-137, Brewer Taproom Licenses, and Adopting a New Section 3-138, Brew Pub Licenses**. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Council Member Asmus offered a motion to approve publication of said Ordinance Amending Chapter 3, Alcoholic Beverages, Article III, Sale of Intoxicating Liquor for On-Premises Consumption, Division 2, License, Section 3-137, Brewer Taproom Licenses, and Adopting a New Section 3-138, Brew Pub Licenses by summary due to the length and cost of publishing entire Ordinance. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

The Public Works/Safety Committee Report for November 6, 2019 was presented to the Mayor and Council by Council Member Plowman. There were three items for consideration.

Item No. 1 Residents brought forth safety concerns of their neighborhood. Staff brought forth, for information, the Police and Fire Department statistics for the month of October. This item was for information only.

Item No. 2 It was the recommendation of the Committee to approve the private archery range permit application submitted by the homeowner at 2900 15th Street SW, Willmar.

Council Member Plowman offered a motion to approve the recommendation of the Committee. Council Member Asmus seconded the motion which carried.

Item No. 3 It was the recommendation of the Committee to approve the professional services contract with Bolton and Menk, Inc. for the Americans with Disabilities Act Transition Plan in the amount of \$62,206.

Resolution No. 19-176 Awarding the ADA Transition Plan Professional Services Agreement to Bolton & Menk, Inc. in the Amount of \$62,206 was introduced by Council Member Plowman. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

The Public Works/Safety Committee Report of November 6, 2019, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Plowman. Council Member Nelsen seconded the motion, and carried.

The Finance Committee Report for November 7, 2019 was presented to the Mayor and Council by Council Member Nelsen. There were two items for consideration.

Item No. 1 Willmar Municipal Code, Chapter 5, Article V, Special Assessments and the City's Comprehensive Assessment Policy offer the option to defer special assessments to senior citizens, disabled, or active military deferrals meeting certain income guidelines. At the last Council meeting, four parcels were deferred under this policy. Since then, the City received an additional qualifying application for the 2019 Street and Other Improvements Project and staff is recommending deferment be approved for Parcel 95-340-0130 owned by Darlene Johnson for \$3,825.00. It was the recommendation of the Committee to approve staff's recommendation.

Resolution No. 19-177 Certifying Deferred Special Assessments was introduced by Council Member Nelsen. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 2 The Mayor's 2020 Proposed Budget was discussed. As requested at the last Finance Committee meeting, Chief Felt was present to provide information regarding the police search robot that is currently on the 2019 Budget. It is also being proposed for 2020. The robot would be used for high-risk

situations, such as, bomb squad calls or search warrant executions. Using a robot would help reduce the risk of harm to officers. After doing further research recently, it was discovered that a refurbished model could possibly be purchased for around \$10,000. It was the consensus of the Committee that Chief Felt could pursue the purchase of this robot now since it is on the 2019 CIP Budget and, consequently, it would no longer be needed on the 2020 Proposed Budget.

Chief Hanson then spoke to the Committee regarding the Fire Department Turnout Gear Dryer proposed for purchase in 2020 at a cost of \$11,000. He reported that a grant submitted for this purchase has recently been approved which would result in a net cost to the City of about \$2,600 in matching grant funds. This expenditure would be incurred in 2019 as an operating expenditure in Small Tools; consequently, this item can also now be removed from the 2020 Proposed Budget. A formal request for approval will be taken to a future Council meeting.

A summary of the Civic Requests received was provided. New for 2020 is a request from the Barn Theatre for \$15,000 which has been included in the 2020 Proposed Budget. The Kandiyohi County Food Shelf had submitted a request for \$5,000 and the Kandiyohi County Historical Society had submitted a request for \$15,000 but neither of these two has been included in the 2020 Proposed Budget. The remainder of the requests included are: West Central Industries Meals on Wheels - \$17,607, Willmar Fests - \$60,000, and Vision 2040 - \$5,000 for a total of \$97,607. The total budget estimate was proposed at \$98,000. Criteria required for civic requests to be submitted to the City was discussed. Council Member Plowman requested the City take a second look at the two unfunded requests from the Food Shelf and the Historical Society. Additional information on any of the requests was not needed at this time. This item will be further discussed at the next Finance Committee meeting.

The Committee discussed the \$4.00 Utility Improvements Fee. There will be no changes to the process for this fee for 2020. However, discussion is needed for the use of this fee beginning in 2021 as that is the year the Municipal Utilities (WMU) rate increase recently approved will begin to be utilized for utility work during street improvements as well. A new agreement has been executed in which WMU will be responsible for water main improvement costs during street projects beginning in 2021. To date, the current \$4.00 fee has been used by the City to service the debt incurred for the water and sewer replacement portion of street improvement bonds.

It was noted that plans are to fully spend the balance in the Public Works Reserve Fund in 2020. As noted previously, in-depth discussions need to take place in 2020 regarding the future of the \$4.00 Utility Improvement Fee and how those fees may change in 2021. To date, these fees collected have been placed in the Public Works Reserve Fund for use in servicing the water and sewer portion of the debt incurred for applicable street projects.

The 2020 Street Improvement Program information that was presented to the Public Works Committee was distributed to the Finance Committee along with further detail breaking out various costs including water and sewer. Estimated total for the project is \$3.3 million with approximately \$2 million in bonding and \$1 million in state aid. For future projects, the Engineering Department hopes to update the scoring system for determining the street work schedule.

Staff has sent Centerpoint Energy a list of regional centers/cities that the City of Willmar uses to review tax rates. Centerpoint has been asked to provide information for each city regarding whether or not there is a franchise fee, the amount, if applicable, and how the rate is calculated for that city. The Mayor has proposed \$245,000 in franchise fees for the 2020 Budget. Staff will present that information to the Council once that information has been received.

The 2020 Capital Improvement Program was discussed and it was noted that two items are being removed as discussed earlier in this meeting for the Police Search Robot and the Fire Department Gear Dryer totaling \$29,000. As a follow up to questions regarding the status of 2019 CIP Expenditures, the City Hall Short-Term Improvements have not been started yet. It was noted that funds to provide temporary heat for City Hall and the Auditorium in 2020 have been included in the 2020 budget. The Information Technology 2019 projects

have been completed for a considerably less amount than budgeted. To date, nothing has been addressed for the Auditorium ADA improvements. The total of all of these 2019 unspent CIP funds is \$415,000. One possibility for the Auditorium would be to work with Stark Preservation to address needed improvements. Further funding for Auditorium improvements could be pursued through possible Legacy Grants, Historic Preservation Grants, etc. It was the consensus of the committee to leave the \$250,000 in the budget for future improvements to the Auditorium. The Swansson Field Lighting for \$315,000 has been placed in the proposed 2020 CIP to be borrowed from the Public Improvement Revolving Fund which needs to be repaid within five years. Further discussion will be held on this item regarding the possibility of funding from other sources. A list of CIP items requested but not funded was presented to the Committee for their review. It was noted that City Administrator Gramentz will report back to the Committee regarding the potential of working with Stark Preservation on the Auditorium improvements.

Staff is working on compiling the needed adjustments for the insurance and salaries portion of the 2020 Proposed Budget and will provide this information to Council members once available. Future meetings also include working through staffing requests and other items.

Council Member Schwantes noted that she will be unable to attend the November 21st meeting.

This item was for information only.

The Finance Committee Report of November 7, 2019, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Nelsen. Council Member Plowman seconded the motion which carried.

The Community Development Committee Report for November 12, 2019 was presented to the Mayor and Council by Council Member Fagerlie. There were two items for consideration.

Item No. 1 Staff explained that the Comprehensive Plan establishes a 20-year guideline for the timing and sequence for the adoption of official controls that ensure a planned, orderly, and staged development and redevelopment across the City of Willmar. An update to the Comp Plan should be prepared about every ten years. The City of Willmar's previous Comp Plan was adopted in 2009, which was also contracted with Mid-Minnesota Development Commission.

The agreement is divided into two phases. Phase-1 consists of collecting and analyzing data to be translated into maps, tables and diagrams that will be used to develop Willmar's Comprehensive Plan. The information shall form an initial basis from which to begin Phase-2, by providing the Comp Plan Task Force, Planning Commission, subcommittees and stakeholders a starting point from which to launch their efforts into the development of new objectives, zoning, and ordinances that support the direction set forth in Willmar's new Comprehensive Plan.

After the Phase-1 data-mining and after an initial 20+ key documents have been created, staff will return to Council for approval to form a "Comp Plan Task Force," which would then take charge of the draft documents for their own use and pursuits. The Task Force will also organize and host any public participation events/meetings/hearings.

It was the recommendation of the Committee to adopt the resolution to approve the City entering into agreement with Mid-Minnesota Development Commission to help the Planning and Development Department develop the City of Willmar's new Comprehensive Plan.

Resolution No. 19-178 Authorization to Execute Agreement with Mid Minnesota Development Commission to Create a New Comprehensive Plan was introduced by Council Member Fagerlie. Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 2 Staff highlighted the department's activities related to the Artists on Main Street Program, including project types, costs, and community involvement and enjoyment of both participatory

workshops and experimental exhibits installed across Willmar. In all, 13 artist's projects were highlighted, such as the "Amazing Masks: Faces of Willmar" workshop, the "Living Decay" blue tennis shoe mural, and the "Welcome Bubble Station" space. Committee asked about the selection process, lesson learned, and plans for next year's sequel event. The plan is to continue to improve upon and grow the "Artist's on Main Street" summer program as a major annual community event. This item was for information only.

A presentation to the Mayor and Council was given by City Planner Sarah Swedburg.

The Community Development Committee Report of November 12, 2019, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Plowman. Council Member Mueske seconded the motion which carried.

The Labor Relations Committee Report for November 12, 2019 was presented to the Mayor and Council by Council Member Mueske. There were three items for consideration.

Item No. 1 Staff presented the eleventh section of the updated employee personnel policy along with the City Driving and Safety Equipment/Gear policies. It was the recommendation of the Committee to adopt the eleventh section of the new Personnel Policy, City Driving, and Safety Equipment/Gear Policies.

Council Member Mueske offered a motion to approve the recommendation of the Committee. Council Member Alvarado seconded the motion which carried.

Item No. 2 Staff presented the remaining policies from the original employee personnel policy that the League did not have a reference to in their sample handbook. Staff will gather more information from the League regarding gifts that employees are allowed to accept and update that section for our next meeting. This item was for information only.

Item No. 3 There will be no Labor Committee Meeting on the 25th. This item was for information only.

The Labor Relations Committee Report of November 12, 2019, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Mueske. Council Member Alvarado seconded the motion which carried.

City Planner Sarah Swedburg presented a request to oppose the petition for detachment submitted to the City by Mark Zeimer. Ms. Swedburg stated the property was annexed into the City of Willmar around 2007 for a pelletizing plant development that never came to fruition. The property remains crop land to this day, with limited access due to an abandoned rail spur that is still owned by BNSF, the Highway 71 bypass, and the active rail spur to the south. The Comprehensive Plan envisions this area for residential use, though in recent conversation at Planning Commission, the northern portion of this property could also be used as a light commercial node near the intersection of Civic Center Drive and Highway 71 bypass. The Comprehensive Plan also calls for the abandoned rail spur to be transformed into a trail, which would increase accessibility to this area of the City. Detachment of this property from the City would decrease our potential for future development and tax base.

City Attorney Robert Scott explained the process of detachment to the Mayor and Council.

Following discussion, **Resolution No. 19-179 Concerning Detachment of Certain Land Pursuant to Minnesota Statutes §414.06** was introduced by Council Member Fagerlie. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 7, Noes 1. Council Member Plowman voted "no".

Mayor Calvin offered a brief update on the "150th Anniversary" celebration for the City of Willmar and stated there will be a meeting on December 10th at the city office building. No time has been determined yet for the meeting.

Council Member Fagerlie offered the following comments: the four-season shelter at Robbins Island is now enclosed.

Council Member Alvarado offered the following comments: the 150th anniversary of the City is the sesquicentennial; Saturday, November 23rd is the Holiday Parade along with many other activities; please volunteer to help with the setup of the Celebrate the Light of the World display.

The upcoming Committee meetings will be as follows: Finance Committee – Thursday, November 21st at 5:15 p.m. Finance & Full Council to hold Budget conversations; Public Works/Safety Committee – Wednesday, November 20th at 5:15 p.m.; Labor Relations Committee – Monday, December 9th at 6:15 p.m.; and Community Development Committee – Monday, November 25th at 5:15 p.m.

Council Member Fagerlie offered a motion to adjourn the meeting with Council Member Mueske seconding the motion which carried. The meeting adjourned at 8:23 p.m.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
SECRETARY TO THE COUNCIL

RESOLUTION NO. 19-176

A RESOLUTION AWARDING THE ADA TRANSITION PLAN PROFESSIONAL SERVICES AGREEMENT TO BOLTON & MENK, INC. IN THE AMOUNT OF \$62,206.

Motion By: Plowman

Second By: Alvarado

Whereas the City of Willmar desires to retain a firm to provide materials and professional services for the ADA Transition Plan; and

Whereas a proposal has been made by the firm of Bolton & Menk, Inc. at an estimated cost of \$62,206;

Now therefore be it resolved by the City Council of the City of Willmar that said proposal be accepted and that the Mayor and City Administrator be authorized to execute an agreement on behalf of the City for the same.

Dated this 18th day of November, 2019

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 19-177

A RESOLUTION CERTIFYING DEFERRED SPECIAL ASSESSMENTS

Motion By: Nelsen

Second By: Plowman

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the reconstruction of certain streets during the year 2019 (Project 1901); and

WHEREAS, Minnesota Statutes, Sections 435.193 to 435.195 allows local governments certifying special assessments against municipal properties to defer the payment of that assessment for any homestead property owned by a person 65 years of age or older, retired by virtue of a permanent and total disability; and active military

WHEREAS, certain property owner(s) have made application to the City for delayed payment of tax on special assessments and have met the criteria contained in Minnesota Statutes for said deferment.

NOW, THEREFORE, BE IT RESOLVED by the Willmar City Council that special assessments as hereinafter designated be certified to the County and deferred for the years of 2020 through 2029 with interest at the annual rate of four and three tenths (4.3%) percent.

BE IT FURTHER RESOLVED that the option to defer payments will terminate and all deferred payments and interest become payable if a) the owner dies and the surviving spouse is not eligible; b) the property or a portion of the property is sold, transferred or subdivided; c) the property loses its homestead status; or d) the City determines that to require immediate or partial payment would not create a hardship.

Darlene Johnson
605 19th Avenue SW
Willmar

95-340-0130 \$3,825.00
Section 22, Township 119, Range 35, Block 2
HILLTOP PARK
N ½ OF LOT 3, W 10' OF LOT 1

Dated this 18th day of November, 2019.

Attest:

s/s Marv Calvin
MAYOR

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 19-178

**AUTHORIZATION TO EXECUTE AGREEMENT WITH MID MINNESOTA DEVELOPMENT
COMMISSION TO CREATE A NEW COMPREHENSIVE PLAN**

Motion By: Fagerlie

Second By: Mueske

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into an agreement between the City of Willmar and Mid-Minnesota Development Commission of Willmar, MN to help the City's Planning and Development Department create the City of Willmar's new Comprehensive Plan in the amount of \$32,300.00.

Dated this 18th day of November, 2019.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 19-179

**RESOLUTION OF THE CITY OF WILLMAR
CONCERNING DETACHMENT OF CERTAIN LAND
PURSUANT TO MINNESOTA STATUTES § 414.06**

Motion By: Fagerlie

Second By: Nelsen

The City of Willmar received a petition for detachment of certain property on October 9, 2019 for the following described property:

See Property Survey and Legal Description Attached

The City of Willmar:

- ☐ Supports the petition for detachment; or
☒ Opposes the petition for detachment.

Dated this 18th day of November, 2019

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk